

REMARKS

Status to the Claims

Claims 1, 13, and 16 have been cancelled without prejudice to the filing of continuing applications. New claims 32-34 have been added. The new claims correspond to original claims 1, 13, and 16 respectively and have been presented in clean form to avoid any confusion associated with showing amendments. Claims 2, 3, 5, 8, 9, 11, 17, 20, 21, 23, 24, 25, 26, 28, 29, and 30 have been amended to properly depend from the new claims.

As amended, the claims overcome the rejections based on the first and second paragraphs of 35 U.S.C. § 112.

Support for the amendments can be found in the specification and claims as originally filed. No new matter has been added by way of these amendments.

With these amendments, claims 2-3, 5, 7-9, 11-12, 17, 19-21, 23-26 and 28-34 are pending.

Rejection under 35 U.S.C. § 112, first paragraph

Claim 1-3, 5, 7-9, 11-13, 16, 17, 19-21, 23-26 and 28-31 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

New claims 32-34 (which correspond to original claims 1, 13 and 16 respectively) have been limited to remove the statement that the latency function depends on filter band signal amplitudes of a plurality of surrounding filter bands, and the latency function is constrained by a predetermined frequency range rather than filter band frequency, as suggested by the Examiner in item 3 on page 3 of the Action.

Rejection under 35 U.S.C. § 112, second paragraph

Claims 1-3, 5, 7-9, 11-13, 16, 17, 19-21,23-26 and 28-31 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite.

New claims 32-34 as drafted reflect removal of the reference to the “base stimulation strategy” from prior claims 1, 13, and 16. This change from claims 1, 13, and 16 eliminates any potential ambiguity this language may have created.

Applicants amendment discussed above in connection with the § 112, first paragraph, rejection also addresses the point made by the Examiner under item 7 on page 4 of the Action.

Accordingly, the Applicants respectfully request reconsideration and withdrawal of the claim rejections based on 35 U.S.C. § 112.

Conclusion

The Applicants respectfully submit that in view of the foregoing arguments and amendments the claims are in condition for allowance, which the Applicants respectfully request. If the Examiner believes a teleconference will advance prosecution, he is encouraged to contact the undersigned as indicated below.

Respectfully submitted,

Dated: June 6, 2011

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